

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:09CR3117
)
v.)
)
MARCUS SHORT,) MEMORANDUM AND ORDER
)
Defendants.) REGARDING CHARGE OF CONTEMPT
) OF COURT DURING THE TRIAL OF
) TRAVES RUSH

In view of the Plea Agreement between the United States of America and Marcus Short which says that, "Cooperation by the Defendant with the United States is not anticipated by this agreement, and Defendant understands that a different document would have to be signed should both parties desire the Defendant to cooperate in the future." and *United States v. Garcia*, 956 F.2d 41 (4th Cir. 1992), the United States has withdrawn its request that the court hold Marcus Short in contempt of court for his refusal to testify at the trial of Traves Rush. The court finds that to be appropriate action by the United States. Consequently, I consider that the request by the government and my statement to Marcus Short that I found him in contempt of court are withdrawn and are to be of no effect in the sentencing of Marcus Short.

Dated May 25, 2010.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge